

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

MICHIGAN STATE PAINTERS INSURANCE FUND,
TRUSTEES OF MICHIGAN STATE PAINTERS
INSURANCE FUND, and INTERNATIONAL
UNION OF PAINTERS AND ALLIED TRADES,
LOCAL UNION NO. 845,

Plaintiffs,

Case No. 05-0057-CV

v.

Hon. Paul J. Maloney

PLATINUM PAINTING, INC., PATRICK E.
SMITH and P. E. SMITH CONTRACTING,
INCORPORATED,

Defendants.

Jeffrey M. Lesser (P33298)
Attorney for Plaintiffs
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Livonia, Michigan 48152
(734) 464-3603

Steven E. Bangs (P51643)
Attorney for Defendants
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The Richards Building
East Lansing, Michigan 48823
(517) 336-7824

CONSENT JUDGMENT

At a session of said Court held in the
U. S. Courthouse, City of Kalamazoo,
State of Michigan on November 17, 2011

Present: Hon. PAUL L. MALONEY
U. S. District Judge

Plaintiffs having filed this action against Defendants, the parties having agreed to
resolution of this matter and stipulated to a Consent Judgment, entry of which appears
appropriate,

IT IS HEREBY ORDERED AND ADJUDGED as follows:

1. Defendants maintain joint and several liability to pay Plaintiffs the sum of \$43,852.12 in fringe benefit contributions and liquidated damages disclosed in an audit covering work performed from January 1999 through December 2003, as stated in an audit billing dated November 22, 2004, minus any money paid by or on behalf of Defendants toward satisfaction of these delinquencies.

2. Plaintiffs may recover the full amount set forth in Section 1 above, with credit for any payments made, through garnishments and other supplementary proceedings, stating a sum certain owing to include the amount stated above, and attorney's fees, costs and interest incurred up to the date of such supplementary proceeding, certified through signature of Plaintiffs' counsel without further application to the Court, subject to Defendants' right to request a hearing regarding any dispute.

3. In consideration for Plaintiffs agreeing to settlement of this case, Defendant Patrick E. Smith ("Smith") knowingly and voluntarily relinquishes any claim to benefits from Plaintiffs, to the extent that they may exist or will in the future accrue.

4. This judgment results from Smith engaging in conduct alleged in Paragraphs 33 and 34 of Plaintiffs' First Amended Complaint, which would constitute an exception to discharge under Section 523(a)(2) and (4) of the United States Bankruptcy Code in a bankruptcy proceeding, with Smith's liability for such conduct adjudged at \$30,000.00, minus any money paid by or on behalf of Defendants toward satisfaction of their liability.

5. Future documents in this case may be served on Defendants through a single envelope mailed to Patrick E. Smith, 4316 Tinkler Court, Holt, Michigan 48842, with Defendants' counsel not representing Defendants post-judgment.

/s/ Paul L. Maloney
U. S. District Judge

Approved as to form and content:

s/Jeffrey M. Lesser
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